

NEVADA ENVIRONMENTAL COMMISSION

STATE FISCAL YEAR 2000

JULY 1, 1999 TO JUNE 30, 2000

QUARTERLY REPORTS

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

**QUARTERLY REPORT  
NEVADA ENVIRONMENTAL COMMISSION  
PERIOD OF JULY THROUGH SEPTEMBER 1999  
1st QUARTER STATE FY 2000**

The Nevada State Environmental Commission held one regulatory hearing. Below is a summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th quarters) for state fiscal year 2000.

ID #	State Environmental Commission	1st	2nd	3rd	4th	Total	FY 2000 ***
SEC-005	Number of public hearings	1				1	5
SEC-007	Number of appeal hearings	0				0	4
SEC-006	Number of regulations adopted	6				6	12
SEC-010	Comparison of Temporary to Permanent Regulations Adopted	0/6				0/6	4/10 ***
SEC-011	Appeals scheduled vs appeals heard	0/0				0/0	10/6 ***
SEC-012	Staff Information Responses within 3 days	9/8	....			9/8	140/140 ***
	Number of ratifications	4					-

\*\*\* - Reported upon Performance Measures for State Fiscal Year 2000

**STATE ENVIRONMENTAL COMMISSION**  
**SFY 2000 1st QUARTER REPORT**  
**PAGE 2**

**ENVIRONMENTAL COMMISSION REGULATORY HEARINGS**

The Environmental Commission held a regulatory hearing on September 9, 1999 in Reno. Six regulations that were adopted as temporary regulations were transitioned to permanent regulations. Those regulations were subsequently reviewed and approved by the Legislative Commission on September 27, 1999. One new permanent regulation (1999-08) dealing with laboratory certification was withdrawn from the September agenda. It will be heard at the winter meeting of the Commission.

**A. Petition 1999-01 (LCB R-017-99)** permanently amends NAC 445A.121, 445A.143, 445A.144, 445A.213 of the water pollution control regulations. The regulations were amended to change the reference for limits in drinking water standards from the U.S. Public Health Service to those adopted by the Nevada State Board of Health. NAC 445A.143, the Colorado River salinity standards, is proposed to be amended to include the term "flow weighted average." NAC 445A.213, the minimum quality criteria applicable to interstate waters, is proposed to be repealed. Definitions for "annual mean flow" and "flow weighted annual average," sections 2 and 3 of the regulation, are being added since the adoption of the temporary regulation.

**B. Petition 1999-02 (LCB R-018-99)** is a permanent regulation amending NAC 445A.232 "fees" in the water pollution program by extending the date of expiration from June 30, 1999 to June 30, 2001. The portion of NAC 445A.232 effective from July 1, 1999 to June 30, 2001 is repealed, and that portion of NAC 445A.232 effective on July 1, 2001 is retained. This petition affects mining water pollution control discharge fees. This petition amends a 1997 action where the fees were amended with three rolling escalating fee schedules between the time of adoption and the year 2001. Those mining water pollution control fees currently in effect are retained until July 1, 2001. The intermediate fee schedule is repealed by this action.

**C. Petition 1999-03 (LCB R-019-99)** is a permanent amendment to NAC 445B. The regulation amends NAC 445B.319, 445B.327 and 445B.331 by increasing air quality operating permit fees for administrative amendments, Class I and II operating permits and change of location permits. The regulation added new fees for Prevention of Significant Deterioration (PSD) permits and major revisions to PSD permits. The regulation increases the annual emission fees and annual maintenance fees for all stationary sources.

**STATE ENVIRONMENTAL COMMISSION**  
**SFY 2000 1st QUARTER REPORT**  
**PAGE 3**

**D. Petition 1999-05 (LCB R-020-99)** made permanent amendments to NAC 445A.228 to 445A.292. The amendments clarify wording, remove outdated language, conforms the water pollution regulations to statutes, addresses who must sign a discharge monitoring permit, clarifies establishment of effluent limits and compliance schedules and provides for minor water control discharge permit modifications. The amendments also provide for the transfer of permits to new owners. NAC 445A.105 and 445A.246 are proposed to be repealed.

**E. Petition 1999-06 (LCB R-021-99)** permanently amended NAC 444.8901, 444.8906, 445A.347, and 459.9729 by removing the Division of Emergency Management in the Nevada Department of Motor Vehicles & Public Safety from the list of agencies required to be notified of spills and releases pursuant to Nevada's water pollution control regulations. The intent of this regulation is to provide for regulatory relief regarding the disclosure of spills and releases. Other emergency reporting requirements are not affected by this amendment.

**F. Petition 1999-07 (LCB R-022-99)** permanently amended NAC 445B.001 to 445B.395, the air pollution control regulations. Amendments are proposed to NAC 445.221 to update the reference to the Code of Federal Regulations from 1997 to 1998. The amendments to 445B.300 extends the expiration of an operating permit from one year to 18 months. NAC 445B.362 and 445B.373 were amended to correct equation errors and add the term "maximum." NAC 445B.383 was amended to correct the references from cubic feet to yards.

**OVERTIME ACCRUED**

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account.

**APPEAL HEARINGS**

No appeal hearings were held during the quarter. The Cynochem America finding and order by the Commission was amended to provide a payment schedule for \$ 6,000 fine. The schedule was broken into six even payments of \$ 1,000 over the duration of 6 months, beginning in October 1999. The Record of Decision for the appeal of Western Elite was prepared and submitted to the Attorney General for transmittal to State District Court.

**STATE ENVIRONMENTAL COMMISSION**  
**SFY 2000 1st QUARTER REPORT**  
**PAGE 4**

**SETTLEMENT RATIFICATIONS**

The Environmental Commission ratified three settlements at the September 9, 1999 meeting.

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
NOAV # 1374	Desert Sand & Gravel	\$ 2,500	Nye
NOAV # 1389	A&K Earth Movers Inc.	\$ 6,000	Churchill
NOAV # 1386	Granite Construction Company	\$ 9,670	Mineral
NOAV # 1372	Jack N. Tedford Inc.	\$ 3,600	Churchill
QUARTERLY TOTALS		\$ 21,770	
FISCAL YEAR 2000 TOTALS		\$ 21,770	

**AS PREPARED BY**

David R. Cowperthwaite, Executive Secretary, October 15, 1999

**QUARTERLY REPORT  
NEVADA ENVIRONMENTAL COMMISSION  
PERIOD OF OCTOBER THROUGH DECEMBER 1999  
2nd QUARTER STATE FY 2000**

The Nevada State Environmental Commission held one regulatory hearing. Below is a summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th quarters) for state fiscal year 2000.

ID #	State Environmental Commission	1st	2nd	3rd	4th	Total	FY 2000 ***
SEC-005	Number of public hearings	1	1			2	5
SEC-007	Number of appeal hearings	0	0			0	4
SEC-006	Number of regulations adopted	6	3			9	12
SEC-010	Comparison of Temporary to Permanent Regulations Adopted	0/6	0/3			0/9	4/10 ***
SEC-011	Appeals scheduled vs appeals heard	0/0	1/0			0/0	10/6 ***
SEC-012	Staff Information Responses within 3 days	9/8	.... 2/2			11/10	140/140 ***
	Number of ratifications	3	1			4	-

\*\*\* - Reported upon Performance Measures for State Fiscal Year 2000

**Note: Measure SEC-012 “Staff Information Responses” appears to shows the effectiveness of the Commission’s web site, where servicing of clients has been shifted for petitions and other regulatory matters.**

**STATE ENVIRONMENTAL COMMISSION  
SFY 2000 2ND QUARTER REPORT  
PAGE 2**

**ENVIRONMENTAL COMMISSION REGULATORY HEARINGS**

The Environmental Commission held a regulatory hearing on December 16, 1999 in Las Vegas. Three regulations that were adopted as to permanent regulations. One new permanent regulation (1999-08) dealing with laboratory certification was withdrawn from the December agenda. It will be heard at the spring meeting of the Commission.

**A. Petition 2000-01 (LCB R-170-99)** is a permanent regulation amending NAC 444.842 to 444.960, the hazardous waste regulations. NAC 444.8427, 444.84275, 444.850 and 444.9452 are amended to reference federal regulations as they existed on July 1, 1999. NAC 444.8632 is amended to adopt 40 CFR Parts 2, Subpart A, 124, Subparts A & B, Parts 260 to 270 and Part 279 as those parts existed on July 6, 1999. The references to the federal regulations provides for the use of enforceable documents in lieu of post-closure permits, allows releases from certain regulated units to be addressed through the corrective action program and creation of a special permit called a Remedial Action Plan for remediation wastes. The hazardous waste fee requirements in NAC 444.8452 are clarified.

**B. Petition 2000-02 (LCB R-173-99)** is a permanent regulation amending NAC 444.570 to 444.7499, the solid waste and recycling regulations. The amendment establishes standards for the design, operation, closure and financial assurance of solid waste materials recovery facilities. The regulations are proposed to address issues related to the waste segregation process and the storage of waste residue and recovered materials. The proposed standards do not apply to facilities which only accept recyclable materials that have been separated at the source.

**C. Petition 2000-03 (LCB R-206-99)** is a permanent regulation amending NAC 445A.232 "fees" and NAC 445A.263 in the water pollution control program. This petition affects fees other than those fees previously amended by Petition 1999-02 (LCB R-018-99) which amended mining water pollution control discharge fees. This proposed regulation increases the fees for municipal wastewater dischargers, reuse, industrial dischargers, water treatment plants, confined animal feed operations, fish hatcheries, biosolids reuse, septage reuse, and temporary permits.

**OVERTIME ACCRUED**

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account.

**STATE ENVIRONMENTAL COMMISSION  
SFY 2000 2ND QUARTER REPORT  
PAGE 3**

**APPEAL HEARINGS**

No appeal hearings were held during the quarter. An appeal hearing was scheduled for dealing with the SMI Joist appeals on January 18, 2000.

**SETTLEMENT RATIFICATIONS**

The Environmental Commission ratified one settlement at the December 16, 1999 meeting. Granite Construction was previously scheduled on September 9, 1999, but the Commission deferred action. This ratification was moved forward to the December hearing.

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
NOAV # 1386	Granite Construction Company	\$ 9,670	Mineral
QUARTERLY TOTALS		\$ 9,670	
FISCAL YEAR 2000 TOTALS		\$ 21,770	

**AS PREPARED BY**

David R. Cowperthwaite, Executive Secretary, January 3, 2000



**QUARTERLY REPORT  
NEVADA ENVIRONMENTAL COMMISSION  
PERIOD OF JANUARY THROUGH MARCH 2000  
3rd QUARTER STATE FY 2000**

The Nevada State Environmental Commission did not hold any hearings during this period. Below is a summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th quarters) for state fiscal year 2000.

ID #	State Environmental Commission	1st	2nd	3rd	4th	Total	FY 2000 ***
SEC-005	Number of public hearings	1	1	0		2	5
SEC-007	Number of appeal hearings	0	0	0		0	4
SEC-006	Number of regulations adopted	6	3	0		9	12
SEC-010	Comparison of Temporary to Permanent Regulations Adopted	0/6	0/3	0/0		0/9	4/10 ***
SEC-011	Appeals scheduled vs appeals heard	0/0	1/0	1/0		2/0	10/6 ***
SEC-012	Staff Information Responses within 3 days	9/8	.... 2/2	5/5		16/15	140/140 ***
	Number of ratifications	3	1	0		4	-

\*\*\* - Reported upon Performance Measures for State Fiscal Year 2000

**Note: Measure SEC-012 “Staff Information Responses” appears to shows the effectiveness of the Commission’s web site, where servicing of clients has been shifted for petitions and other regulatory matters.**

**STATE ENVIRONMENTAL COMMISSION**  
**SFY 2000 3rd QUARTER REPORT**  
**PAGE 2**

**ENVIRONMENTAL COMMISSION REGULATORY HEARINGS**

The Environmental Commission did not hold a regulatory hearing during this quarter. A regulatory hearing has been scheduled for April 20, 2000 in Las Vegas, to be preceded by a presentation and field trip to the Sunrise Landfill in Clark County on April 19, 2000 in Las Vegas.

**OVERTIME ACCRUED**

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account.

**APPEAL HEARINGS**

No appeal hearings were held during the quarter. An appeal hearing was scheduled for dealing with the SMI Joist appeals on January 18, 2000. This hearing was cancelled and a settlement reached that will be before the State Environmental Commission at its regular meeting on April 20, 2000.

**SETTLEMENT RATIFICATIONS**

The Environmental Commission did not ratify any settlement during this quarter.

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
NOAV #		\$ 0	N/A
QUARTERLY TOTALS		\$ 0	
FISCAL YEAR 2000 TOTALS		\$ 21,770	

**AS PREPARED BY**

David R. Cowperthwaite, Executive Secretary, April 10, 2000

**QUARTERLY REPORT  
NEVADA ENVIRONMENTAL COMMISSION  
PERIOD OF APRIL THROUGH JUNE 2000  
4th QUARTER STATE FY 2000**

The Nevada State Environmental Commission held two regulatory hearing and two appeal hearings during the quarter. Below is a summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th quarters) for state fiscal year 2000.

ID #	State Environmental Commission	1st	2nd	3rd	4th	Total	FY 2000 ***
SEC-005	Number of public hearings	1	1	0	2	4	5
SEC-007	Number of appeal hearings	0	0	0	2	2	4
SEC-006	Number of regulations adopted	6	3	0	7	16	12
SEC-010	Comparison of Temporary to Permanent Regulations Adopted	0/6	0/3	0/0	0/7	0/16	4/10 ***
SEC-011	Appeals scheduled vs appeals heard	0/0	1/0	1/0	2/2	4/2	10/6 ***
SEC-012	Staff Information Responses within 3 days	9/8	.... 2/2	5/5	15/14	31/29 93 %	140/140 ***
	Number of ratifications	3	1	0	6	10	-

\*\*\* - Reported upon Performance Measures for State Fiscal Year 2000

**Note: Measure SEC-012 “Staff Information Responses” appears to shows the effectiveness of the Commission’s web site, where servicing of clients has been shifted for petitions and other regulatory matters. This indicator is proposed to be deleted beginning in FY 2002.**

**STATE ENVIRONMENTAL COMMISSION  
SFY 2000 4th QUARTER REPORT  
PAGE 2**

**ENVIRONMENTAL COMMISSION REGULATORY HEARINGS**

The Environmental Commission did not hold a regulatory hearing during this quarter. Regulatory hearings occurred on April 20, 2000 and June 20, 2000 in Las Vegas. The April hearing was preceded by a presentation and field trip to the Sunrise Landfill in Clark County on April 19, 2000 in Las Vegas.

The April 20, 2000 hearing resulted in the adoption of four permanent regulations. These are listed below. In addition at the April hearing, the Commission approved a five year exemption to the City of Mesquite to the alternative fuel requirements of NAC 486A. The Clark County Health District's Air Pollution Control Division received a four month exemption to the alternative fuel requirements of NAC 486A. The Commission also listened to a presentation by the Executive Secretary regarding the procedures for the collection of bad debts (major air quality settlements as ratified by the Commission).

The June 20, 2000 hearing resulted in the adoption of three permanent regulations. These are listed below. In addition at the June hearing the Commission approved a twenty hour/four month summer variance to the opacity requirements of the Mohave powerplant, located in Laughlin and owned by Southern California Edison. The Commission also acted upon the recommendation of the Division of Internal Audits that the member, as defined by law, from the State Board of Health be a person with a medical background. The Commission authorized the Executive Secretary to inform the State Board of Health of their concurrence with the recommendation of the Division of Internal Audits. (A letter was sent to the State Board of Health on June 29, 2000)

**April 20, 2000 - Regulations Adopted**

**Petition 1999-08 (LCB File R-070-99)** is a permanent regulation amending NAC 445A.055 through 445A.067, the laboratory certification program. The existing regulations are repealed and supplanted with the standards of the National Environmental Laboratory Accreditation Program. The amended regulations provide for definitions, scope of accreditation, categories of certification, laboratory certification criteria, certification requirements, and proficiency testing requirements. The regulation adopts by reference many of the provisions that have been listed. Fees in NAC 445A.066 are retained but are amended to reduce the fee for toxicity bioassays from \$ 400 to \$ 125. All other provisions from NAC 445A.055 to 445A.067 are repealed.

**Petition 2000-04 (LCB File R-019-00)** is a permanent regulation amending NAC 444.850 to 444.8746. The petition added new language and amended NAC 444.8633 and 444.8634 to allow the Division of Environmental Protection to issue U.S. EPA identification numbers to hazardous waste generators, transporters and facilities in Nevada.

**STATE ENVIRONMENTAL COMMISSION**  
**SFY 2000 4th QUARTER REPORT**  
**PAGE 3**

**Petition 2000-05 (LCB File R-031-00)** is a permanent regulation amending NAC 486A.100 to 486A.250, the alternative fuel regulations. The regulation adds a definition for “Ultra low-emission vehicle” (ULEV) that meets the federal standards for ULEV vehicles. NAC 486A.140 is amended to limit designation of alternative fuels if a designation would adversely impact an Air Quality Implementation Plan. NAC 486A.160 is amended to allow operators of public fleets to obtain “ultra low-emission vehicles” as certified by the U.S. EPA. NAC 486A.180 is amended to exempt hybrid electric vehicles from operating in areas where alternative fuels are limited. This section is amended to allow for the leasing of vehicles to meet the requirements for meeting the alternative fueled vehicle quotas. NAC 486A.200 is amended to include ULEV vehicles to be exempted by the acquisition by the Director of the Department if these types of vehicles are unavailable. The section is amended to require to limit exemptions if the action would adversely affect an Air Quality Implementation Plan. NAC 486A.230 and 486A.250 is amended to reflect changes in addresses and zip codes.

**Petition 2000-06 (LCB File R-054-00)** permanently amend NAC 459 by adding new provisions establishing a Voluntary Cleanup Program for eligible contaminated properties. The regulations establish that eligible parties must comply with the “consultant certification” NAC 459.970 to 459.9729, establishes an application process for eligible properties including the type of information required by the application, fees for processing and review of applications are defined and provisions for remedial agreements are defined. The regulations also define financial capability and responsibility for eligible parties, and a process for eligible parties upon completion of remediation activities to receive a full or partial certificate of completion.

**June 20, 2000 - Regulations Adopted**

**Petition 2000-07 (LCB File R-055-00)** permanently amended NAC 445B.400 to 445B.774, the air quality regulations governing the Inspection and Maintenance (I/M) program in Clark County. The adopted regulation adds a requirement for inspection of the on-board diagnostic (OBD) system for model year 1996 and new motor vehicles to ensure the proper operation of the vehicles emission control components. The definition of “certified on-board diagnostic system” is added. The regulation is a contingency measure for air quality and becomes effective only if the carbon monoxide in Clark County exceeds the national ambient air quality standards or the number of actual vehicle miles traveled exceeds the projected vehicle miles traveled as set forth in the state implementation plan.

**Petition 2000-08 (LCB File R-087-00)** proposes to permanently modify NAC 459 by amendments to NAC 459.95334 to increase fees currently assessed under the Chemical Accident Prevention Program (CAPP). The regulation provides for an increase in annual fees for the period until June 30, 2001 and then again on July 1, 2001.

**STATE ENVIRONMENTAL COMMISSION**  
**SFY 2000 4th QUARTER REPORT**  
**PAGE 4**

**Petition 2000-09 (LCB R-090-00)** is a permanent amendment to NAC 519A.010 to 519A.415, the mining regulation and reclamation rules. The amendments include an added definition for "process fluid stabilization." Amended is NAC 519A.345 by allowing surety's to be used for process fluid stabilization. NAC 519A.360 was amended to require mining operations to consider process fluid stabilization in reclamation of mining operations

**OVERTIME ACCRUED**

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account.

**APPEAL HEARINGS**

Two appeal hearings were heard during this quarter. **The J.S. Devco appeal**, concerning a air quality violation in Carson City was heard on April 11, 2000 in Carson City. The Commission panel was composed of Chairman Coyner, and Commissioner's Johnson and Crawforth upheld the decision by the Division. Below is a summary of the appeal.

The Nevada Division of Environmental Protection, Bureau of Air Quality, on January 18, 2000, issued a minor violation (No. 1421) J.S. Devco, Limited Partnership, a land development company in regards to Operating Permit No. AP1629-0560. The Bureau of Air Quality, pursuant to Nevada Administrative Code (NAC) 445B.365 (fugitive dust) ordered J.S. Devco to submit a surface area disturbance dust control plan per the requirements of permit AP1629-0560. This violation occurred on January 10, 2000 at the Long Ranch Estates located on Longview Drive in Carson City where fugitive dust emissions, due to high wind conditions and disturbed areas.

J.S. Devco asserted that they did obtain a Surface Area Disturbance permit and submitted a Dust Control Plan for Long Ranch Phase 4, and amendments to this permit were submitted to the Bureau of Air Quality for Phases 5 and 6. The appellant asserted that they have been applying water and dust palliatives. The appellant also asserted that high wind conditions occurred during the time of inspection.

**The second appeal hearing** was held on May 2, 2000 when the Great Basin Mine Watch contested the permit decision of the Bureau of Mining Regulation and Reclamation water pollution control permit regarding the Kinross Gold's Wind Mountain Mine in northern Washoe county. The Commission panel was composed of Chairman Mike Turnipseed and Commissioner's Jones and Trenoweth. The Commission upheld the decision of the Division to issue the mining water pollution control permit.

**STATE ENVIRONMENTAL COMMISSION**  
**SFY 2000 4th QUARTER REPORT**  
**PAGE 5**

The Nevada Division of Environmental Protection, Bureau of Mining Regulation and Reclamation, on March 23, 2000, issued the Notice of Decision for Water Pollution Control Permit No. NEV88012 for the Wind Mountain Mine, owned and operated by Wind Mountain Mine Inc. The Bureau acted in accordance with NAC 445A.350 through NAC 445A.447. The permit authorized Wind Mountain Mine Inc. to close the mine facility located in Washoe County, approximately 75 miles north-northeast of Reno, Nevada and 12 miles south of Gerlach, Nevada. The Bureau of Mining Regulation and Reclamation asserted that waters of the State would not be degraded from this operation and that public safety and health will be protected. The permit provided for the closure of the cyanide heap leach.

Great Basin Mine Watch asserted that the Division has authorized a discharge permit that has the potential to degrade the waters of the State. The appellant also asserted that standards have not been established for determining 'potential' causing the improper permitting of a substance that meets the definition of hazardous waste to be discharged to the subsurface environment.

**STATE ENVIRONMENTAL COMMISSION**  
**SFY 2000 4th QUARTER REPORT**  
**PAGE 6**

**SETTLEMENT RATIFICATIONS**

The Environmental Commission ratified six settlements during this quarter.

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
# 1424 & 1425	Granite Construction Company	\$ 6,785	Carson City
# 1369	SMI Joist * supplemental environmental project, a SEP in the value of \$ 45,000 was approved in lieu of a fine.		
# 1394 to 1404	Nevada Power Company * heard at the 4-20-2000 hearing and the SEP ratified at the 6-20-2000 hearing. A SEP in the value of \$ 9,190 was approved in lieu of a fine.		
# 1432	Al's Excavating	\$ 450	Carson City
# 1431	Frehner Construction	\$ 8,160	Carson City
# 1433	KG Walters	\$ 1,500	Lyon
QUARTERLY TOTALS		\$ 16,895	
FISCAL YEAR 2000 TOTALS	Cumulative value of SEP's was \$ 54,190. The grand total is \$ 92,855	\$ 38,665	

**AS PREPARED BY**

David R. Cowperthwaite, Executive Secretary, July 6, 2000